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Hutchison Law Group PLLC

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Date: October 3, 2007

To: USPTO

Attention:

From: Christopher J. Knors

Fax: +1.919.829.4332

Direct Phone: +1.919.829.4338

Fax: 571.273.8300

Your Ref.: 10/583,710

Our Ref.: BASF.10158WOUS

No. Pages: 9 (incl. this page)

Comments:

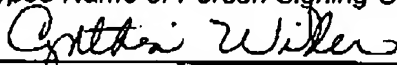
I hereby certify that this correspondence is being transmitted to the United States Patent and Trademark Office facsimile number 571.273.8300 on this the 3rd day of October 2007.

Documents enclosed:

Petition for Correction of 371(c) Date of Completion Under 37 C.F.R. §1.181(a)(3)	2 pages
Copy of Transmittal Letter to the U.S. Receiving Office (EXHIBIT A)	3 pages
Copy of National Stage Postcard received from the PCT/PTO (EXHIBIT B)	1 page
Copy of Notice of Acceptance of Application Marked to Show Correct Date (EXHIBIT C)	2 pages

Cynthia Wilder

(Typed Name of Person Signing Certificate)



(Signature of Person Signing Certificate)

Date of Signing: October 3, 2007

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Patent

Attorney Docket No. BASF.10158WOUS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Markus KORDES et al.

Group Art Unit: 1751

Application No.: 10/583,710

Examiner: Unknown

Filing Date or 371(c) Date: June 20, 2006

Confirmation No.: 3247

Title: 1-(Azolin-2-yl)amino-1,2-diphenylethane Compounds for Combating Insects, Arachnids and Nematodes

**PETITION FOR CORRECTION OF 371(c) DATE OF COMPLETION
UNDER 37 C.F.R §1.181(a)(3)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition the Director to invoke supervisory authority under 37 C.F.R. § 1.181(a)(3) to accord this application a Date of Completion of all 35 U.S.C. 371 Requirements of June 20, 2006. The facts are set forth below.

The Transmittal Letter (PTO-1390) filed on June 20, 2006, was clearly marked (box #3) expressly requesting national examination procedures under 35 U.S.C. 371(f), (Exhibit A). The Transmittal Letter further indicates a copy of the International Application as filed was communicated by the International Bureau, an oath or declaration of the Inventors was provided, and the Basic national fee was authorized. Also attached is a true copy of the Return Post Card as obtained from the PCT/PTO Receiving Office showing the correct date-in stamp of June 20, 2006 (Exhibit B). The Post Card identifies the application by Application No. 10/583,710 and acknowledges receipt by the U.S. Patent and Trademark Office on June 20, 2006, of the documents submitted with the Transmittal Letter including the PCT/IB/308 (first and second notice), the declaration of the inventors, and the authorization of Deposit Account for charging the fees of \$940.

The Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495, FORM PCT/DO/EO/903 (371 Acceptance Notice), obtained from the USPTO incorrectly

Application No. 10/583,710
Filing Date or 371(c) Date: June 20, 2006

Attorney Docket No. BASF.10158WOUS
Page 2 of 2

lists June 23, 2006, as the date of completion of all 35 U.S.C. 371 requirements and omits under the items received the statement "Request for Immediate Examination" (Exhibit C).


In view of the attached documentation and foregoing explanation, Applicants respectfully request that this Petition under 37 C.F.R. § 1.181 be granted, the 371(c) Completion Date be corrected to be June 20, 2006, and a corrected Notice of Acceptance showing the 371(c) Completion Date of June 20, 2006 be issued.

Applicants believe that a Petition Fee is not required; however, Applicants hereby authorize any appropriate fees that may be required to avoid dismissal of this Petition to be charged to Deposit Account No. 50-3218.

Respectfully submitted,

HUTCHISON LAW GROUP PLLC

Date: 10/3/07

By: 
Christopher J. Knors
Registration No. 45,569

P.O. Box 31686
Raleigh, NC 27612
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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 10/3/07

Cynthia Wilder

(Typed Name of Person Signing Certificate)



(Signature of Person Signing Certificate)

Date of Signing: 10/3/07

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EXHIBIT A

OCT 03 2007

PTO-1390 (Rev. 07-2005)

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
for use through 3/31/2007. OMB 0851-0021

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER BASF.10158WOUS
INTERNATIONAL APPLICATION NO. PCT/EP2004/014623		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) Unassigned
INTERNATIONAL FILING DATE December 22, 2004		PRIORITY DATE CLAIMED December 23, 2003
TITLE OF INVENTION 1-(AZO)IN-2-YL)AMINO-1,2-DIPHENYLETHANE COMPOUNDS FOR COMBATING INSECTS, ARACHNIDS AND NEMATODES		
APPLICANT(S) FOR DO/EO/US Markus KORDS, Michael HOFMANN, Michael PIHL, Norbert GÖTZ, Michael RACK, Ernst RAUMANN, Wolfgang von DEYN, Thomas SCHMIDT, Livio TEDESCHI, Michael F. TREACY, Deborah L. CULBERTSON, Toni BUCCI, and David G. KUHN		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 38 (35 U.S.C. 371(c)(5)).</p> <p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).</p>		

DOCKETED

6/20/06 dm

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 3

EXHIBIT A

PTO-1390 (Rev. 07-2006)

Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) Unassigned		INTERNATIONAL APPLICATION NO. PCT/EP2004/014623		ATTORNEY'S DOCKET NUMBER BASF.10158WOUS	
20. Other items or information: Copy of PCT/IB/301; PCT/IB/345; PCT/IB/308 (First Notice); PCT/IB/308 (Second and Supplementary Notice); PCT/IB/304; and copy of International Publication No. WO 2005/063724 with International Search Report; and Amended Sheets under Article 19.					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$ 200.00	
All other situations.....\$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100				\$ 400.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations.....\$500					
TOTAL OF 21, 22 and 23 =				\$900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	20 - 20 =		x \$ 50	\$ 0.00	
Independent claims	3 - 3 =		x \$200	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 0.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 900.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(j)).				\$	
TOTAL NATIONAL FEE =				\$ 900.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$ 40.00	
TOTAL FEES ENCLOSED =				\$ 940.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

EXHIBIT A

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0851-0021

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 50-3218 in the amount of \$ 940.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-3218. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Hutchison Law Group PLLC
P.O. Box 31686
Raleigh, North Carolina 27612
(919) 829-9600

SIGNATURE

Christopher J. Knoris

Date: June 20, 2006

NAME

45,569

(PCT/EP2004/014623)

REGISTRATION NUMBER

I hereby certify that the application/correspondence attached hereto is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EY835 060 603 US Date of Deposit: 06/20/2006
Cynthia Wilder
Cynthia Wilder

EXHIBIT B**Final Stage Application in the U.S. under 35 U.S.C. 371**

Applicant: Markus KORDES, Michael H. REACY, Deborah L. CULBERTSON, Toni BUCCI, David C. KUHN, Michael HOFMANN, Michael PUHL, Norbert GÖTZ, Michael RACK, Ernst BAUMANN, Wolfgang von DEYN, Thomas SCHMIDT, Livio TEDESCHI

Application No.: Unassigned

International Application No.: PCT/EP2004/014623

International Filing Date: December 22, 2004

Title: 1-(Azolin-2-yl)amino-1,2-diphenylethane Compounds for Combating Insects, Arachnids and Nematodes

Docket No.: BASF 10158WOUS

10/585710

Receipt is hereby acknowledged for the following papers filed in the U.S. Patent and Trademark Office on June 20, 2006

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Transmittal Letter to U.S. Designated/Elected Office Concerning Filing Under 35 USC 371 (PTO-1390) | <input checked="" type="checkbox"/> Assignment/Assignment Recordation Form Cover Sheet (PTO-1595) | <input type="checkbox"/> Charge \$940.00 to Deposit Account |
| <input checked="" type="checkbox"/> Executed Declaration/Power of Attorney | <input type="checkbox"/> Computer Readable form of Sequence Listing | |
| <input type="checkbox"/> Unexecuted Declaration/Power of Attorney | <input checked="" type="checkbox"/> Information Disclosure Citation (PTO/SB/08) | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Copy of PCT/IB/301 | <input checked="" type="checkbox"/> Information Disclosure Statement w/ 2 document(s) | <input checked="" type="checkbox"/> Copy of Amendments to the claims of the International Application under Article 19 |
| <input checked="" type="checkbox"/> Copy of PCT/IB/304 | <input checked="" type="checkbox"/> Preliminary Amendment | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Copies of PCT/IB/308 (First and Second Notices) | <input checked="" type="checkbox"/> Copy of International Search Report | |
| <input checked="" type="checkbox"/> Copy of PCT Pub. No. WO 2005/063724 | <input type="checkbox"/> Copy of International Preliminary Examination Report | <input type="checkbox"/> |
| <input type="checkbox"/> English Translation of International Application No. _____ | <input type="checkbox"/> International Preliminary Examination Report including Annexes | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Copy of PCT/IB/345 | <input type="checkbox"/> Translation of Annexes to IPER | <input type="checkbox"/> |

Documents submitted via Express Mail Label No.: EV 835 060 602 US

IAP15 Rec'd PCT/PTO 20 JUN 2006

EXHIBIT C

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/583,710	FIRST NAMED APPLICANT Markus Kordes	ATTY. DOCKET NO. BASF.10158WOUS
INTERNATIONAL APPLICATION NO. PCT/EP04/14623		
1A. FILING DATE 12/22/2004	PRIORITY DATE 12/23/2003	

Hutchison & Mason
Suite 100
3110 Edwards Mill Road
Raleigh, NC 27612

CONFIRMATION NO. 3247

371 ACCEPTANCE LETTER



"OC000000023008095"

Date Mailed: 03/22/2007

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

06/20/2006DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and
(c)(4) REQUIREMENTS06/23/2006DATE OF COMPLETION OF ALL 35 U.S.C. 371
REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 06/20/2006
- Copy of the International Search Report filed on 06/20/2006
- Preliminary Amendments filed on 06/20/2006
- Information Disclosure Statements filed on 08/20/2006
- Oath or Declaration filed on 06/20/2006
- U.S. Basic National Fees filed on 06/20/2006
- Assignment filed on 06/20/2006
- Priority Documents filed on 06/20/2006

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EXHIBIT C

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

INDIA L EVANS

Telephone: (703) 308-9140 EXT 212

PART 1 - ATTORNEY/APPLICANT COPY

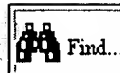
FORM PCT/DO/EO/903 (371 Acceptance Notice)

Transaction List

Search by

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(MMDDYY)

Accounting Date



☒ Name/Number:

Starts:

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☐ Attny Docket No:

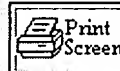
☐ Deposit Account No:

Accounting Date	Operator ID	Seq. No.	Txn Src	Fee Code	St	Amount	Name/Number
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05/25/2007	CQUEEN	2	SALE	1201	A	600.00	10583710
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06/30/2006	GFREY1	210	SALE	1631	A	300.00	10583710

Adjustment Detail

Authorization Detail



PCI 9